



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/594,237	09/25/2006	Kenichi Oi	296758US3PCT	7376
22850	7590	06/04/2008		
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314				
EXAMINER				
DABNEY, PHYLESHA LARVINIA				
ART UNIT		PAPER NUMBER		
2614				
NOTIFICATION DATE		DELIVERY MODE		
06/04/2008		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patentdocket@oblon.com

oblonpat@oblon.com

jgardner@oblon.com

Office Action Summary

Application No.

10/594,237

Applicant(s)

OI, KENICHI

Examiner

PHYLESHA L. DABNEY

Art Unit

2614

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 March 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 5-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 5-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)
- Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

This action is in response to the Application filed on 25 September 2006 in which claims 5-9 are pending, and claims 1-4 were cancelled.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims **5-8** are rejected under 35 U.S.C. 102(e) as being anticipated by Park (U.S. Patent No. 2005/0079898).

Regarding claim 5, Park teaches a portable telephone (fig. 1) in which two bodies (100, 200) thereof are placed in superposed relation, and one body slides relative to the other body to change how far they superpose, thus expanding and contracting the overall length of the telephone in the sliding direction; and a rotation prevention mechanism (300, 400) configured to prevent the first and second bodies from rotating with respect to each other, wherein one body can pull out relative to the other body with an area left where a part of one body is superposed on the other body in the extended state (fig. 3b), wherein the rotation preventing mechanism is provided within the superposed area in the extended state as claimed.

Regarding claim 6, Park teaches an apparatus (fig. 1) in which a first body and a second

body (100, 200) are slidably superposed opposed to each other, the apparatus including a closed state in which opposite faces totally superpose each other and an opened state in which the opposite faces partially superpose each other, wherein a first slot (140) is formed in the first body and a first slide piece (440) is provided on the second body which is slidably engaged in the first slide slot, and a second slot (240) is formed on the second body and a second slide piece (320, 322) is provided on the first body which is slidably engaged in the second slide slot within an area in which the first body and the second body are superposed in the opened state.

Regarding claim 7, Park teaches the portable telephone according to claim 6, wherein an engaging pawl (442) provided in one of the two bodies is slidably engaged with the other body within the superposed area in the extended state, and a sliding piece (320, 440) provided in one of the two bodies is slidably engaged with the other body within the superposed area.

Regarding claim 8, Park teaches the portable telephone according to claim 7, wherein an auxiliary concavity (200) is formed in a portion of one body having an operation plane exposed to outside the superposed area in the extended state, and an auxiliary convexity (100) engaging in the auxiliary concavity is formed in a portion of the other body to prevent the two bodies from relatively rotating with these auxiliary convexity and concavity engaged with each other.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Park.

Regarding claim 9, Park does not teach specifics of the portable telephone according to claim 8, wherein a wiring member providing an electrical connection between the two bodies is received in the auxiliary concavity. However, the Examiner takes office notice that it is known to include a wiring member, i.e. printed circuit board, etc., in a portable telephone to provide an electrical connection, thus a complete circuit. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include a wiring member in the portable telephone of Park for the reason stated.

Response to Arguments

Applicant's arguments filed have been fully considered but they are not persuasive.

With respect to the Applicant's argument that the Park reference (US Publication 2005/0079898) filed 13 September 2004 does not constitute prior art over PCT/JP04/007870 filed 31 May 2004, the Examiner disagrees.

As per the rules regarding determining the effective filing date of an application under 35 U.S.C 371 [MPEP 706.02(a), VI; MPEP 1893.03(b), B], an international application's filing date is not treated as a U.S. filing date for prior art purposes under 35 U.S.C. 102(e) if the international application is not filed on or after November 29, 2000, does not designate the U.S., or was not published in English under PCT Article 21(2).

In this instant application, the international application's filing date (PCT/JP04/007870 filed 31 May 2004) is not treated as a U.S. filing date for prior art purposes under 35 U.S.C. 102(e) because the international application (IA) was not published in English (as shown by the front page of IA, item (25) filing language: Japanese) as required by the rules.

Therefore, the rejection is being maintained.

Applicant argued effective filing date as based on 371 status. Consulted OPLA -Ms. Terry Dey. Effective filing date of international application not granted since the whole application must be published in English language. The front of IA identifies the language of publication (item 25).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to PHYLESHA L. DABNEY whose telephone number is (571)272-7494. The examiner can normally be reached on Mondays, Wednesdays, Fridays 8:30-4 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Kuntz can be reached on 571-272-7499. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Any response to this action should be mailed to:
Commissioner of Patents and Trademarks
P O Box 1450
Alexandria, VA 22313-1450

Or faxed to:
(703) 273-8300, for formal communications intended for entry and for informal or draft communications, please label "Proposed" or "Draft" when submitting an informal amendment.

Hand-delivered responses should be brought to:
Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

January 6, 2008

/Curtis Kuntz/
Supervisory Patent Examiner, Art Unit 2614

Original claims

5. A portable telephone in which two bodies thereof are placed in superposed relation, and one body slides relative to the other body to change how far they superpose, thus expanding and contracting the overall length of the telephone in the sliding direction, wherein one body can pull out relative to the other body with an area left where a part of one body is superposed on the other body in the extended state, a rotation preventing mechanism for preventing the two bodies from relatively rotating being intensively provided within the superposed area in the extended state, and wherein assuming the three-dimensional orthogonal coordinate axis where the sliding direction is defined as Y axis, the superposing direction as Z axis, and the direction orthogonal to the Y axis within a plane parallel to the superposed plane as X axis, the rotation preventing means comprises an X-axis rotation preventing means for preventing rotation on its axis; a Y-axis rotation preventing means for preventing rotation on its Y axis; and a Z-axis rotation preventing means for preventing rotation on its Z axis, each having an arrangement in which a concavity formed on one body and a convexity formed on the other body engage with each other.
6. An apparatus in which a first body and a second body are slidably superposed opposed to each other, the apparatus including a closed state in which opposite faces totally superpose each other and an opened state in which the opposite faces partially superpose each other, wherein a first slot is formed in the first body and a first slide piece is provided on the second body which is

slidably engaged in the first slide slot, and a second slot is formed on the second body and a second slide piece is provided on the first body which is slidably engaged in the second slide slot within an area in which the first body and the second body are superposed in the opened state.

7. The portable telephone according to claim 6, wherein an engaging pawl provided in one of the two bodies is slidably engaged with the other body within the superposed area in the extended state, and a sliding piece provided in one of the two bodies is slidably engaged with the other body within the superposed area.

8. The portable telephone according to claim 7, wherein an auxiliary concavity is formed in a portion of one body having an operation plane exposed to outside the superposed area in the extended state, and an auxiliary convexity engaging in the auxiliary concavity is formed in a portion of the other body to prevent the two bodies from relatively rotating with these auxiliary convexity and concavity engaged with each other.

9. The portable telephone according to claim 8, wherein a wiring member providing an electrical connection between the two bodies is received in the auxiliary concavity.